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USA,
Plaintiff,
v.
SIMPSON,
Defendant.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 11-cr-00832-SI-3

ORDER DENYING MOTION TO REDUCE SENTENCE

Re: Dkt. Nos. 211, 213

On November 14, 2014 Ella Mae Simpson filed a motion *pro se* seeking a reduction of her sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to the Sentencing Guidelines. Docket Nos. 211, 213. On February 2, 2015, the Federal Public Defender's Office filed a motion of non-intervention. Docket No. 216. On that same day, the U.S. Probation Office filed a report concluding that defendant was not eligible for a reduction of her sentence. Docket No. 217.

Amendment 782 to the United States Sentencing Guidelines reduces the offense levels for most drug offenses, and may be applied retroactively. 18 U.S.C. § 3582(c)(2). However when a defendant's original sentence is below the minimum amended guideline range, she is not eligible for a subsequent reduction unless her original sentence was reduced "to reflect [her] substantial assistance to authorities." U.S.S.G. 1B1.10(b)(2)(B).

On February 5, 2013, the Court sentenced defendant to 120 months of incarceration. Docket No. 154. At the time of her sentencing, her guideline range was 168 to 210 months. The amendments now provide for a guideline sentencing range of 135 to 210 months. Docket No. 217.

1 Defendant's original sentence is below the amended minimum sentencing range, and
2 defendant never received a sentencing reduction to reflect assistance she provided to authorities.
3 *Id.* Accordingly, the Court DENIES defendant's motion for a sentence reduction.

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5 **IT IS SO ORDERED.**

6 Dated: February 3, 2015



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8 SUSAN ILLSTON
9 United States District Judge